

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN RE: AIR CRASH NEAR CLARENCE CENTER,
NEW YORK, ON FEBRUARY 12, 2009,

ORDER
09-md-2085

This document relates to:
ALL CASES

Trial in this multidistrict litigation is scheduled to begin on May 27, 2014.

On November 20, 2013, counsel appeared before this Court to discuss the parties' proposed trial plans. (Docket No. 1190.) After a full and fair discussion of the merits of the competing plans, and upon further consideration of the equities, this Court finds that Plaintiffs' proposed plan offers the most efficient and effective way to resolve all issues present in this important case and will afford all parties a fair trial. With some modifications as necessary, the trial of this matter will proceed according to that plan, as outlined in Docket No. 1190, and as discussed on November 20, 2013.

The remaining cases, including those governed by the Montreal and Warsaw Conventions, will be tried jointly before a single jury. All liability issues will be tried together, followed by individual damages presentations. Verdicts will be returned after each damages presentation before the next begins. To avoid any risk of unfair prejudice to Defendants, this Court will separately and specifically instruct the jury on the applicable

law governing damages in the Montreal and Warsaw Convention cases.

Further refinement of this plan may occur, if necessary, as the trial approaches.

SO ORDERED.

Dated: November 26, 2013
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court